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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,783	01/18/2002	Bernd Ondruschka	00366.000158	9562
5514	7590	12/05/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HWU, DAVIS D	
			ART UNIT	PAPER NUMBER

3752

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,783

Applicant(s)

ONDRUSCHKA ET AL.

Examiner

Davis Hwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: the claim is not completely written in comparison to the marked-up version. Appropriate correction is required. This action is based on the marked-up version.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Waeber et al. (US Patent 5,008,978).

The patent to Waeber et al. '978 shows in combination:

- a chamber in which a process is carried out such that substances in the chamber are exposed to the effect of one or more high frequency radiation; and
- at least one sensor 44 that does not react to and does not affect high frequency radiation, the sensor being mounted in the chamber to detect a process critical state, the sensor being connected with a safety device 80 for controlling the effect of the process critical state, wherein the sensor detects temperature.

Claim R ejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4-6, 10, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waeber et al. in view of Chung.

The patent to Waeber et al. disclose the instant invention except for the pressure line as recited. The patent to Chung teaches a microwave oven 10 comprising a pressure line 48 having nozzles 49 connected to the line to spray fluid within the oven chamber. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Waeber et al. by providing a pressure line as a functional element for the safety device in which the pressure line allows high frequencies to pass through it and locating it within the chamber to pass fire extinguishing fluid to nozzles 49 in which the pressure line has a low melting temperature since the line material is not affected by the microwave radiation. The use of a rigid or flexible pressure line as recited in claims 4 and 5 is an obvious matter of design choice.

6. Claims 7, 8, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waeber et al. in view of Chung as applied to claim 2 above, and further in view of Kaminaka.

The patents to Waeber et al. and Chung disclose the instant invention except for a pressure-sensitive controller as recited. The patent to Kaminaka teaches a microwave

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oven comprising a safety device having a pressure sensor 17 to detect a process critical state so that the safety device can take the appropriate actions when such states occur.

It would have been obvious to one having ordinary skill in the art at the time the invention to have modified the device of Waeber et al. and Chung by replacing the temperature sensitive controllers or sensors 44 of Waeber et al. and Chung with pressure-sensitive controllers as taught by Kaminaka and connecting the controller to the pressure line, since Kaminaka teaches that such modifications are known in the art and the device of Waeber et al. and Chung would function properly with such a modification.

7. Claims 9, 3, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waeber et al. in view of Chung and Baron.

The patent to Waeber et al. disclose the instant invention except for the pressure line and seal as recited. The patent to Chung teaches a microwave oven 10 comprising a pressure line 48 having nozzles 49 connected to the line to spray fluid within the oven chamber and the patent to Baron teaches a microwave seal which permits passage of microwave emissions by absorbing the emissions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Waeber et al. by providing a pressure line as a functional element for the safety device in which the pressure line allows high frequencies to pass through it and locating it within the chamber to pass fire extinguishing fluid to nozzles 49 in which the pressure line has a low melting temperature since the line material is not affected by the microwave radiation and by providing a seal (comprising vinyl or plastic as recited in

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claim 3) having a low melting temperature which permits passage of high frequencies as part of the safety device as taught by Baron to prevent emission of the microwaves. The materials recited in claim 13 are obvious matters of design choice since the vinyl of Baron comprises those materials.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent Waeber et al. ('156) is pertinent to Applicant's invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.



Davis Hwu